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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/897,114	07/03/2001	Mitsuo Kitai	010797	9231

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EXAMINER

LOPEZ, MICHELLE

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/897,114

Applicant(s)

KITAI ET AL.

Examiner

Michelle Lopez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the Appeal Brief filed on September 8, 2004.
2. Applicant's request for reconsideration of the finality of the rejection of the last Office action filed on December 15, 2003 is persuasive and, therefore, the finality of that action is withdrawn.
3. The indicated allowability of claim 2 is withdrawn in view of the newly discovered reference(s) to Desai et al. (3,817,139). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 2, the limitation "a clearance greater than a thickness of the signature" renders the claim indefinite, since the clearance could be any distance between the guide rails and the conveyance plane.

Also, in claim 2, the limitation "maintaining close contact to the guide surfaces" renders the claim indefinite. It is not clear if the sliders are directly contacting the guide surfaces at all times or if the sliders are close to the guide surfaces.

Claim 2 recites the limitation "guided portions" in line 21. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

5. Claim 1 is rejected under 35 U.S.C. 102(b) as anticipated by Kojima's (5,085,625) or, in the alternative, under 35 U.S.C. 103(a) as obvious over Kojima's (5,085,625).

Kojima's teaches each and every structural element of a chopper folder including a pair of folding rollers 10 for folding a signature parallel to a conveyance direction of said signatures; a prime mover 2; a crank arm 4 fixed to an output shaft 3 of the prime mover to be rotated together with the output shaft; a chopper blade 8; a link 5; and at least one guide unit with at least a linear guide rail 7 connected to a linear slider 6 as shown in the embodiment of Fig. 6.

Also, the connection between the link 5 and the chopper blade 8, is being interpreted as a blade holder (not shown numerically), wherein the chopper blade 8 is held on the blade holder and adapted to push the signature from an upper surface thereof in order to insert the signature into a space between the pair of folding rollers, and wherein the linear slider 6 is connected to the blade holder for restricting motion of the blade holder such that the blade holder reciprocates only in a linear direction perpendicular to a conveyance plane along which the signature is conveyed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kojima's (5,085,625) in view of Desai et al (3,817,139).

Kojima's discloses a pair of folding rollers 10 for folding a signature parallel to a conveyance direction of said signatures; a prime mover 2; a crank arm 4 fixed to an output shaft 3 of the prime mover to be rotated together with the output shaft; a blade holder (not shown numerically) connected to the crank arm 4 via a link 5; a chopper blade 8 held in the blade holder and adapted to push the signature from an upper surface thereof in order to insert the signature into a space between the pair of folding rollers; and at least one guide unit 7 for restricting motion of the blade holder such that the blade holder reciprocates only in a direction perpendicular to a conveyance plane along which the signature is conveyed as shown in the embodiment of Fig. 6.

Kojima's Fig. 6 does not specifically disclose that the guide unit comprises sliders provided at opposite ends of the blade holder, and two guide rails arranged along the conveyance direction and adapted to guide the sliders; the guide rails are supported such that a clearance greater than a thickness of the signature is provided between the guide rails and the conveyance plane, and each of the guide rails has a guide surface perpendicular to the conveyance plane; and

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guided portions of the sliders are movable, while maintaining close contact with the guide surfaces of the guide rails at all times.

However, Desai teaches a blade 26 held in a blade holder via 22, wherein a guide unit comprises sliders via 82 provided at opposite ends of the blade holder, and two guide rails 24 arranged along a conveyance direction and adapted to guide the sliders; the guide rails 24 are supported such that a clearance greater than a thickness of a slab is provided between the guide rails 24 and the conveyance plane, and each of the guide rails has a guide surface perpendicular to the conveyance plane; and guided portions of the sliders are movable, while maintaining close contact with the guide surfaces of the guide rails at all times as shown in Figs. 1-3 for the purpose of providing a guide unit adapted to reciprocates a blade in a direction perpendicular to a workpiece conveyance plane.

In view of Desai, it would have been obvious to one having ordinary skill in the art to have provided sliders at opposite sides of a blade holder and two guide rails arranged along a conveyance direction of a workpiece in order to provide a guide unit adapted to reciprocates a blade in a direction perpendicular to a workpiece conveyance plane.

Conclusion

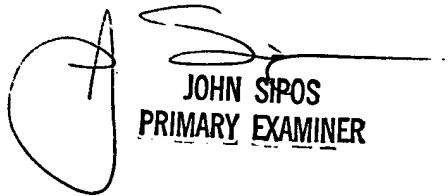
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle Lopez whose telephone number is 571-272-4464. The examiner can normally be reached on Monday - Thursday: 8:00 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ML



JOHN SIROS
PRIMARY EXAMINER